

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE "CITY), TO QUITCLAIM, CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY TO THE RIGHTFUL OWNERS, MARY E. SIMONS AND STEVEN B. SIMONS

WHEREAS, the Mayor and City Council (the "Governing Body") of the City of Diamondhead, Mississippi (the "City"), acting for and on behalf of the City, hereby finds and determines as follows:

1. The City routinely accepts donated property from landowners for preservation, drainage and greenspace.
2. The City is authorized to acquire real property pursuant to Miss. Code Ann. §21-17-1.
3. Previously, the City accepted the donation of certain lots 9 and 10, Block 4, Unit 7A, Diamondhead Phase 2 by a resident who had previously granted her interest in the property to the Diamondhead Country Club and Property Owners Association, Inc.; therefore, the resident did not have the authority or interest in said lots to donate them to the City.
4. The City, through legal counsel, engaged a title opinion to confirm that the attempted dedication of the lots to the City was in error and, therefore, does not now and has not ever had a proper legal interest to the aforementioned lots. The City intends to correct this error and is legally bound and authorized to quitclaim the lots to the rightful owners.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY, AS FOLLOWS:

SECTION 1. That the Governing Body of the City accepts and makes the findings as set forth herein above.

SECTION 2. That the Governing Body of the City does hereby authorize the City Attorney to prepare any and all documentation related to the quitclaim of the aforementioned property, for the City Manager to execute any necessary documentation to effectuate the quitclaim of the subject property and, for the Mayor to execute the Quitclaim Deed on behalf of the City attached collectively hereto as Exhibit "A."

The above and foregoing resolution, after having been first reduced to writing, was introduced by Councilmember _____, seconded by Councilmember _____ and the question being put to a roll call vote, the result was as follows:

	Aye	Nay	Absent
Councilmember Finley		—	—
Councilmember Liese		—	—
Councilmember Cumberland		—	—
Councilmember Maher		—	—
Mayor Depreo		—	—

The motion having received the affirmative vote of a majority of all of the members of the Governing Body, the Mayor declared the motion carried and the resolution adopted, this the _____ day of _____, 2023.

Nancy Depreo, Mayor

ATTEST:

CITY CLERK

(SEAL)

INDEXING INSTRUCTIONS: Lots 9 and 10, Block 4, Unit 7A, Diamondhead, Phase 2, Hancock County, Mississippi

GRANTOR:

City of Diamondhead, MS
5000 Diamondhead Circle
Diamondhead, MS 39525
(228) 222-4626

GRANTEE:

Mary E. Simons and Steven B. Simons
8926 Maili Way
Diamondhead, Mississippi 39525
(228) 343-8991

Prepared by and Return to:

Derek R. Cusick, Esq.
MSB #10653
Cusick & Williams, PLLC
1414 25th Avenue
Post Office Box 4008
Gulfport, MS 39502
(228) 206-3819

TITLE NOT EXAMINED

**STATE OF MISSISSIPPI
COUNTY OF HANCOCK**

QUITCLAIM DEED

FOR AND IN CONSIDERATION the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned, CITY OF DIAMONDHEAD, MISSISSIPPI, does hereby sell, convey, and quitclaim unto MARY E. SIMONS AND STEVEN B. SIMONS, the following described real property, lying and being situated in the Hancock County, Mississippi, to-wit:

Lot 9 and 10, Block 4, Unit 7A, Diamondhead, Phase 2, according to the map or plat thereof on file and record in the office of the Chancery Clerk of Hancock County, Mississippi.

This conveyance is made subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and subject to any and all prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners.

Taxes for the current year are assumed by the Grantee.

WITNESS my signature on this the ____ day of _____, 2023.

Nancy Depreo, Mayor
City of Diamondhead, Mississippi

STATE OF MISSISSIPPI

COUNTY OF HANCOCK

Personally appeared before me, the undersigned authority in and for the said county and state, on this ____ day of _____, 202__, within my jurisdiction, the within named Mayor Depreo, who acknowledged that she executed and delivered the above and foregoing instrument of writing on the day and year therein mentioned after first having been authorized by Resolution of the City Council of the City of Diamondhead.

[Seal]

NOTARY PUBLIC

The Casano Law Firm, P.A.
4403 West Aloha Drive, Diamondhead, MS 39525
Phone (228) 255-0035 Fax (228) 255-0078

City of Diamondhead
Re: Title Opinion
File: 23-0862
Lots 9 & 10 Unit 7A Phase 2

CERTIFICATE OF TITLE

I, the undersigned attorney at law, do hereby certify that I have this date made a careful examination of the land records of Hancock County, Mississippi, as same pertain to the following described lands, to-wit:

Lots 9 and 10, Block 4, Unit 7A, Diamondhead, Phase 2, according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hancock County, Mississippi.

My title examination covered the period from Plat up to 12/07/2023 at 8:00 a.m., and this title examination is limited to matters affecting title to subject property during such period of time.

And based on said examination, it is my opinion that "clouded" title to subject property is vested this date in the following:

Mary E. Simons and Steven B. Simons

I further certify that County Ad Valorem Taxes for the year 2023 are EXEMPT for Parcel No 0677J-3-36-010.000 to the Hancock County Tax Collector, other than the taxes stated there are now no taxes or special assessments due and payable, except as set forth herein; that there are no judgments of record against said owners, except as set forth herein; that there are no deeds of trust or other encumbrances of record against said property, except:

1. The accrued portion of the 2023 Ad Valorem Taxes which are not due and payable until January 2024.
2. Rights of parties in possession, unrecorded servitude or easements, land shortages, boundary line disputes, and all matters, facts and conditions, including lack of access, which an accurate survey and inspection of the premises would reveal.
3. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
4. All applicable city and county zoning use and occupancy ordinances and regulations, and all applicable building code requirements.
5. The accuracy of the Sectional and/or Subdivision Index Records, and other records of the Chancery Clerk of Hancock County, Mississippi, and of those records maintained by the Circuit Clerk, Tax Collector and Tax Assessor of Hancock County, Mississippi.

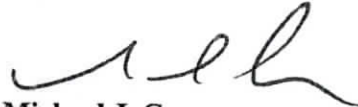
6. Any prior reservation or conveyance, together with release of damages, of minerals of every kind and character, including, but not limited to, all oil, gas, sand, gravel, and all other mineral in, on and under subject property.
7. Any federal tax liens not of record in the office of the Chancery Clerk of Hancock County, Mississippi.
8. This certificate attempts to make no statement as to the effect of the Consumer Credit Protection Act, bankruptcy laws, or any other state or federal truth in lending laws and all federal and state environmental laws.
9. Whether or not the documents in the chain of title were executed on a Sunday or legal holiday or were executed to or from a party of sound and disposing mind and memory, or a nonexistent corporation, person or entity.
10. This Certificate of Title is based on the assumption that all parties in the above referenced chain of title were above the age of twenty-one (21) years and under no further legal disabilities at the time of the execution and delivery of the various instruments contained in said chain of title.
11. Any and all valid existing rights of way and easements for public utility lines road and highways.
12. In addition to the matters set out herein above, the undersigned expresses no opinion concerning the presence or absence of any petroleum products, toxic or hazardous substances within the meaning of any federal, state or local laws or regulations having been stored or existing in, on or under any portion of the above-described property.
13. This opinion does not certify the quantity of square footage or acreage of the property.
14. Subject to that Plat recorded in Instrument 4 Page 55 in the office of the Chancery Clerk of Harrison County, Mississippi with 5' side yard easements and 10' front & rear easements.
15. Subject to those Covenants recorded in Instrument X-9 Page 518, amended in Book Y-3 Page 270 in the office of the Chancery Clerk of Hancock County, Mississippi.
16. Zoning Restrictions recorded in Book BB248 Page 829 in the office of the Chancery Clerk of Hancock County, Mississippi.
17. Certification and Notice of Corporate Action by Diamondhead POA, Inc. recorded in Book 2010 Page 13851 in the office of the Chancery Clerk of Hancock County, Mississippi.
18. Subject to that Agreement recorded in Book BB160 Page 25 in the office of the Chancery Clerk of Hancock County, Mississippi. Lots 9 & 10 are considered a single lot for assessments.
19. Special Warranty Deed executed by Diamondhead Country Club and POA, Inc. unto Mary E. Simons and Steven B. Simons dated 05/24/2021 filed 06/03/2021 recorded in Book 2021 Page 8685 in the office of the Chancery Clerk of Hancock County, Mississippi.
20. Deed of Dedication executed by Laurie A. Henry aka Laurie A. Henry-Fouts unto The City of Diamondhead dated 01/07/2022 filed 04/07/2022 recorded in Book 2022 Page 5451 in the office of the Chancery Clerk of Hancock County, Mississippi. (This deed serves as a "wild deed" as Grantor had previously executed a Quitclaim Deed to Diamondhead Country Club and POA, Inc. dated 05/24/2021. This Quitclaim Deed was not recorded until 2023. The intent of the deed was clearly for the Grantor to divest themselves of title to the subject property, although the undersigned is unaware of the facts regarding notice to others and/or the delay in recording. Either a Quitclaim Deed from the City of Diamondhead to Mary E. Simons and Steven B.

Simons is necessary to cure this "cloud," or a Quiet Title Action naming the City of Diamondhead would be necessary).

21. Quitclaim Deed executed by Laurie A. Henry aka Laurie A. Henry-Fouts unto Diamondhead Country Club and POA, Inc. dated 05/24/2021 recorded in Book 2023 Page 17874 in the office of the Chancery Clerk of Hancock County, Mississippi. (See explanation in paragraph 20, above).
22. A Quitclaim Deed or successful Quiet Title Action is necessary as described in Paragraph 20, above.
23. This certificate of Title is only to be relied upon by the addressee herein and such information contained in this opinion may not be disseminated, used or relied upon by any other persons, as a basis of any other subsequent opinion that may be rendered as to the good and merchantable title of the above-described property, or for the issuance of Title Insurance.

WITNESS MY SIGNATURE, this the 13th day of December 2023.

The Casano Law Firm, P.A



Michael J. Casano

MJC/mf